

Under the provisions of Section 413.031 of the Texas Workers' Compensation Act, Title 5, Subtitle A of the Texas Labor Code, effective June 17, 2001 and Commission Rule 133.305, titled Medical Dispute Resolution-General, and 133.307, titled Medical Dispute Resolution of a Medical Fee Dispute, a review was conducted by the Medical Review Division regarding a medical fee dispute between the requestor and the respondent named above. This dispute was received on 03/27/03.

I. DISPUTE

Whether there should be reimbursement for Aloe Liniment supplied on date of service 08/14/02. The Respondent's EOBs deny reimbursement as, "M REDUCED TO FAIR AND REASONABLE".

II. RATIONALE

Texas Labor Code 411.011 (D), Commission Rule 133.307 (g)(3)(d) and Rule 133.304 (i) (1-4) places certain requirements on the Carrier when reducing the services for which the Commission has not established a maximum allowable reimbursement. The Respondent is required to develop and consistently apply a methodology to determine fair and reasonable reimbursement and explain and document the method used for the calculation. The Respondent has reimbursed the provider \$0.00 of a \$54.73 charge for Aloe Liniment supplies. The Requestor did not submit a methodology.

Per Rule 133.307 (g) (3) (D), the Requestor is to discuss, demonstrate, and justify that the payment amount being sought is fair and reasonable. The Requestor submitted sample EOBs reflecting what other carriers have reimbursed for the Aloe Liniment. The Requestor has provided sample EOBs to support that the fees billed are consistently charged and consistently reimbursed by other carriers. Reimbursement is recommended in the amount of **\$54.73**.

III. DECISION & ORDER

Based upon the review of the disputed healthcare services within this request, the Medical Review has determined that the requestor **is** entitled to reimbursement. Pursuant to Sections 402.042, 413.016, 413.031, and 413.019 the Medical Review Division hereby **ORDERS** the Respondent to remit **\$54.73** plus all accrued interest due at the time of payment to the Requestor within 20 days receipt of this Order.

The above Findings, Decision and Order are hereby issued this 10th day of July 2003.

Denise Terry
Medical Dispute Resolution Officer
Medical Review Division

DT/dt